

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-CR-00229-F-4

No. 5:13-CV-00476-F

RANDY MOORE,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

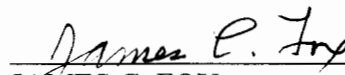
This matter is before the court on Randy Moore's Motion to Dismiss 28 U.S.C. § 2255 Claim [DE-529]. In the motion, Moore's counsel reports that he has been instructed by Moore to advise the court that Moore no longer wishes to pursue his claim that his former attorney was ineffective for either failing to file a notice of appeal or failing to consult about filing an appeal. Moore's counsel requests an order allowing Moore to withdraw this claim.

Moore's Motion to Dismiss 28 U.S.C. § 2255 Claim [DE-529] is ALLOWED. The first and second claims in Moore's section 2255 motion are WITHDRAWN.¹ The court previously scheduled an evidentiary hearing to address Moore's argument that his attorney, Michael Driver, failed to file or consult with him about an appeal. There is no longer a need for the evidentiary hearing, and as such, the March 24, 2015 evidentiary hearing is CANCELLED.

SO ORDERED.

¹Moore raises three claims in his section 2255 motion. Moore groups the first and second claims together as one claim of ineffective assistance of counsel related to the filing of a notice of appeal. Moore's third claim and the Government's Motion to Dismiss [DE-476] remain pending and will be addressed by the court at a later time.

This, the 19th day of February, 2015.



JAMES C. FOX
Senior United States District Judge